

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EDELMAN ARTS, INC.,	:	
	:	No. 17-cv-4789
Plaintiff,	:	
	:	Affirmation in Support of
v.	:	<u>Request for a Certificate of Default</u>
	:	
REMKO SPOELSTRA, JASON HOLLOWAY,	:	
SSR INVEST SWITZERLAND, SWISS	:	
BUSINESS COUNCIL and JOHN DOE,	:	
	:	
Defendants.	:	
	:	
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Erin C. Kormann, an attorney who is a member of the Bar of this Court does hereby affirm the following under penalties of perjury:

1. I am associated with the firm of Franzino & Scher, LLC, attorneys for plaintiff in the above-entitled action and I am familiar with all the facts and circumstances of this action.
2. I make this affirmation in support of plaintiff's request for a certificate of default.
3. This action was commenced on March 23, 2017 in the Supreme Court of New York, County of New York for breach of contract.
4. On June 23, 2017, attorney for defendant, Remko Spoelstra, filed a Notice of Removal and removed the case from the Supreme Court of New York to the United States District Court, Southern District of New York.
5. A motion for substituted service on defendants Jason Holloway, SSR Invest Switzerland, and Swiss Business Council was made October 23, 2017.
6. On October 25, 2017, Judge Katherine B. Forrest granted plaintiff's motion for substituted service ("October 25, 2017 Order").

7. On October 26, 2017, pursuant to the October 25, 2017 Order, plaintiff served the summons and complaint on defendants, Jason Holloway, SSR Invest Switzerland, and Swiss Business Council via email.

8. On October 26, 2017, pursuant to the October 25, 2017 Order, plaintiff served the summons and complaint on defendant Swiss Business Council by Federal Express.

9. As permitted at the initial conference in this action, a Second Amended Complaint was filed with this Court on November 21, 2017.

10. Pursuant to the October 25, 2017 Order, Jason Holloway, SSR Invest Switzerland, and Swiss Business Council were all served via email on November 21, 2017.

11. Pursuant to the October 25, 2017 Order, Swiss Business Council was also served via Federal Express on November 22, 2017.

12. Defendants, Jason Holloway, SSR Invest Switzerland and Swiss Business Council, has not answered or otherwise moved with respect to the complaint, and the time for defendants, Jason Holloway, SSR Invest Switzerland and Swiss Business Council, to answer or otherwise move has not been extended.

13. Defendant, Remko Spoelstra ("Spoelstra") did appear and answer the complaint in this action on December 8, 2017.

14. Subsequently, on January 26, 2018, Spoelstra filed an Amended Answer to the Second Amended Complaint.

15. After two different attorneys were granted permission to withdraw as counsel, Spoelstra was ordered several times to register his address with the Pro Se Office of this Court.

16. Most recently, on November 13, 2018, Judge John G. Koeltl ordered Spoelstra to file his address with the Pro Se Office of this Court by November 27, 2018. Pursuant to Judge

Koeltl's Order, failure by Spoelstra to file his address with the Pro Se Office would allow plaintiff to move for a default judgment against him.

17. Spoelstra has not filed his address with the Pro Se Office.


18. Defendant Jason Holloway is not presently in the military service of the United States as appears from facts in this litigation.

19. Defendant Remko Spoelstra is not presently in the military service of the United States as appears from facts in this litigation.

WHEREFORE, plaintiff Edelman Arts, Inc. requests that the default of all of the defendants, Jason Holloway, SSR Invest, Swiss Business Council, and Remko Spoelstra, be noted and a certificate of default issued.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information, and belief, that the amount claimed is justly due to plaintiff, and that no part thereof has been paid.

Dated: New York, New York
February 15, 2019



Erin C. Kormann